IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.3441 OF 2002

Siddhalingappa Madivalappa & Ors. ...Petitioners.
Vs.
State of Maharashtra & Ors. ...Respondents.

....

Mrs.Daksha M. Shah for the Petitioners.
Mrs. M.P. Thakur, AGP for Respondent Nos.1 and 4.
Mr. V.B. Naik for Respondent No.2.

.....

CORAM : F. I. REBELLO AND
DR.D.Y.CHANDRACHUD, JJ.

February 22, 2006.

P.C.

Subsequent to the order of this Court dated 28th June 1994 in Writ Petition No.2968 of 1984, the Petitioners had preferred an appeal. In the appeal, amongst other issues, is the issue of a declaration of the area as slum. Once that be the case, whatever contentions the Petitioners now want to raise, can be raised in the pending appeal.

On behalf of the Respondents, the Learned Counsel points out that an application for condonation of delay was moved by the Appellants before the Tribunal. Delay was condoned against which the Corporation preferred a Petition before this Court being Writ Petition No.491 of 2003. The Learned Bench of this

Court has been pleased to grant stay on 26th August 2003 and the matter is pending before this Court.

As the Petitioners have preferred an alternate remedy, no interference is called for at this stage in our extraordinary jurisdiction. The petition is rejected.

(F. I. Rebello, J.)

(Dr.D. Y. Chandrachud, J.)